

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 1:30 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Robert Abilez, Deputy Clerk.

**F031941      People v. Dunn**

Cause called and argued by Laretta Oravitz, Esq., counsel for appellant. Michael J. Weinberger, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

**F030337      Leisure Industries, Inc. v. Hlavacek, et al.**

Cause called and argued by Jan T. Chilton, Esq., counsel for appellant and by Robert J. Stumpf, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, May 18, 2000 at 10:00 A.M.

**F032671      People v. Warren**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F032281      People v. Armstrong**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F032840      People v. Veyna**

The judgment is reversed. The superior court is directed to reinstate the complaint pursuant to Penal Code section 871.5.

Moffat, Pro Tem J.

We concur: Ardaiz, P.J.; Vartabedian, J.

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**F031613      People v. Cordova**

The judgment on counts 1, 2, 3, 7, 8, 9, 10, and 11 is reversed. In all other respects, the judgment is affirmed. Wiseman, J.

We concur: Thaxter, Acting P.J., Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F031260      People v. Parker**

**F032830      Parker v. Fresno County Superior Court; The People**

The petition for writ of mandamus is meritorious. A certificate of probable cause shall be deemed to have issued. The petition is therefore denied as moot. Respondent's motion to dismiss the appeal is denied. Parker's request for an opportunity to withdraw his plea is denied. The case is remanded to the trial court for a Marsden hearing in compliance with our discussion herein. If the Marsden motion is granted, the trial court is directed to vacate the sentence, but not the plea, and appoint new counsel to fully investigate the case. If the Marsden motion is denied, the conviction is affirmed. Moffat, Pro Tem J.

We concur: Ardaiz, P.J.; Vartabedian, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F031937      People v. Applegate**

The sentence is reversed only with respect to the trial court's decision to stay appellant's two remaining section 667.5, subdivision (b) enhancements. The matter is remanded to the trial court for resentencing consistent with this opinion. In all other respects, appellant's sentence is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035575      In re Jaime A. On Habeas Corpus**

Let a writ of habeas corpus issue directing the Tulare County Clerk, to treat the notice of appeal as timely filed and operative, and to continue to proceed with the preparation of the record on appeal in accordance with the applicable rules of the California Rules of Court.

By the Court.

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**F035089      Loretta H. v. Superior Court, Fresno County; Fresno County Department Of Children and Family Services**

The petition for extraordinary writ is denied.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F032343      People v. Martin**

The judgment and sentence are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F032598      People v. Livingston**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F034198      In re Mark M., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F032445      People v. Ingram**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F033179      People v. Allen**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F033285      People v. Renteria**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F033232      People v. Skelton**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F032177      G & G Construction v. Mozaffari**

The judgment is reversed. Ardaiz, P.J.

We concur: Vartabedian, J.; Moffat, Pro Tem J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F031447      People v. Billingsley**

The judgment is affirmed. Ardaiz, P.J.

We concur: Dibiaso, J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F033028      Bell v. Brumley et al.**

The judgment is affirmed. Buckley, J.

We concur: Thaxter, Acting P.J.; Wiseman, J.

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